

REMARKS/ARGUMENTS

Claims 25-30 were rejected under §103 as being unpatentable over the French Patent 912,611 in view of Evinger. Claims 27-30 are cancelled. Independent Claim 25 has been amended to further recite that the impact head receiving section is attached to a distal end of the guide sleeve, the impact head receiving section having a proximal stop formed at a connection to the guide sleeve and having a distal stop, and an open space being defined between said proximal and distal stops. Claim 25 has been further amended to recite that the contact of the plunger with the impact head occurs within the open space.

The French patent on page 4, lines 11-16 recite that the plunger 15 consists of a rod and is able to slide freely in a tubular body 1. The internal end of the plunger is provided with an end piece 18 extended by a frustoconical part 19 in order to contact the internal end of the chisel 10. Claim 25 requires that the open space be defined as residing between the proximal and distal stops of the impact head receiving section. In the French reference, any teaching or suggestion of a proximal or distal stop would have to be defined by the internal shoulder 13 of the chuck, and the distal end of the tubular guide 3. The spring 14 resides in the open space between these two points.

Claim 25 as mentioned above further requires that the contact of the plunger occurs within the defined open space. In the French reference, the plunger makes contact with the chisel well outside the open space defined between the shoulder 13 and the distal end of the guide 3. As shown in Fig. 2 of the French reference, the chisel extends proximally of the open space, through the guide 3, and into the bore which receives the plunger. The distal end of the frustoconical part 19 contacts the internal end of the chisel 10 at this location. Thus, the method recited in Claim 25 clearly distinguishes over the teachings of the French reference.

Evinger clearly fails to remedy the significant deficiencies in the French patent.

Applicant also traverses this rejection under §103 with regard to the combination of the references, specifically traversing the Examiner's conclusion that it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the French reference with the "removable tips" as taught by Evinger. Specifically, the French reference teaches away from

any type of removable tip that is attached to an impact extension element. As explained in the French reference at page 5, lines 24-29, in order to use various types of tools, the chuck 5 is removed from the tubular body 1. The tool is withdrawn from the threaded end of the chuck, and then another tool is inserted in the chuck and the guide. The chuck is then screwed on the tubular body. With respect to the Evinger reference, this reference does not disclose an attachment component 60 that maybe secured to a tip 58 which is positioned in the lower rod 12 (see Figs. 5 and 6). However, as clearly shown in Fig. 3, the rod 12 is able to freely slide within the exterior tube 14. Claim 25 requires a distal stop defining a limit of travel for the claimed impact head. Thus, there is simply no motivation to combine the French reference with Evinger. It is also important to note how the attachment component 60 and Evinger is attached to the tip 58. As shown in Figs. 5 and 6, the tip 58 is especially designed having a set of threads 59 formed above the working end of the tip, and the component 60 has a set of matching threads 66 engageable with the threads 66 engageable with the threads 59. Such unusually located threads in the Evinger reference located above the working end of the tip would therefore cause the French reference to be substantially reconstructed in order to accommodate these features in Evinger.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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